

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

WP(C).No. 37432 of 2007(F)

PETITIONER:

JOJI MATHEW, GENERAL MANAGER,
M/S.EMMES INDUSTRIES, MANJAMALA POST,
KALLOOR, TRIVANDRUM-21.

BY ADV. SRI.ANIL NARAYANAN
SMT.A.K.PREETHA

RESPONDENTS:

1. EMPLOYEES PROVIDENT FUND ORGANISATION,
REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-695004 REPRESENTED BY
THE REGIONAL PROVIDENT FUND COMMISSIONER.
2. THE ASSISTANT PROVIDENT FUND
COMMISSIONER, EMPLOYEES' PROVIDENT FUND ORGANISATION
REGIONAL OFFICE, BHAVISHYA NIDHI BHAVAN,
PATTOM, THIRUVANANTHAPURAM-695004.
3. EMPLOYEES PROVIDENT FUND APPELLATE
TRIBUNAL, 60, SKYLARK BUILDINGS, NEHRU PLACE,
NEW DELHI.

BY ADV.SMT.T.N.GIRIJA, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18/12/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C) No. 37432 of 2007(F)

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Dated this the 18th day of December, 2007

JUDGMENT

Against Ext.P10 order, assessing contributions under the Employees Provident Fund and Miscellaneous Provisions Act, the petitioner filed Ext.P11-appeal before the Employees Provident Fund Appellate Tribunal. Pending that appeal, the respondents 1 and 2 initiated coercive proceedings for recovery of amounts due under Ext.P10. Petitioner filed W.P.(C) No.22347/07 in which this Court directed the petitioner to move the appellate authority for interim orders and stayed all coercive proceedings for a period of two months to enable the petitioner to obtain orders from the tribunal. The petitioner submits that petitioner has filed Ext. P11 stay petition pursuant to that direction. However, in view of the heavy backlog of cases in the tribunal, the tribunal did not consider the stay petition within the said period of two months. In the meanwhile, the respondents 1 and 2 have initiated further coercive proceedings by issuing Ext.P12 under

Section 8 F of the EPF Act. Petitioner is challenging the same.

2. I have heard the learned Government Pleader also. I am of the opinion that because of the delay on the part of the tribunal in considering the petitioner's application for stay, the petitioner should not be prejudiced. In the above circumstances, I dispose of this writ petition with the following directions:

The 3rd respondent-Tribunal shall consider and pass appropriate orders on Ext.P11 as expeditiously as possible. Till appropriate orders are passed on Ext.P11, further coercive proceedings pursuant to Ext.P10 including Ext.12 shall be kept in abeyance.

**S.SIRI JAGAN,
JUDGE**

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